

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

SAMUEL COOLER,)	
)	
Plaintiff,)	
)	
v.)	No. CIV-06-997-D
)	
COMANCHE COUNTY DETENTION CENTER,)	
<i>et al.</i> ,)	
)	
Defendants.)	

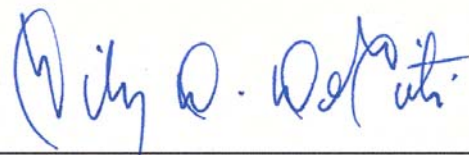
ORDER OF DISMISSAL

This matter is before the Court for review of the Report and Recommendation [Doc. 45] and the Report and Recommendation on the Claims Concerning the Comanche County Detention Center Medical or Nursing Department [Doc. 46], issued by United States Magistrate Judge Bacharach pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Bacharach recommends a dismissal with prejudice of this action under 42 U.S.C. § 1983, first, against the individual defendants due to Plaintiff's failure to comply with discovery orders and, second, against the entity defendant due to the lack of capacity to be sued.

Plaintiff has not filed a timely objection nor requested additional time to object, although he was expressly advised of the right to object, the deadline for objections, and the consequences of failing to object. Thus the Court finds Plaintiff has waived further review of the issues addressed in the Reports. Accordingly, the Court adopts both the Report and Recommendation [Doc. 45] and the Report and Recommendation on the Claims Concerning the Comanche County Detention Center Medical or Nursing Department [Doc. 46] in their entirety.

Therefore, Defendants' Motion to Dismiss [Doc. 42] is GRANTED. This action is DISMISSED with prejudice to refiling.

ENTERED this 28th day of September, 2007.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE